

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRETT TORNGREN

Plaintiff

v.

**TEXAS INSTRUMENTS INCORPORATED
and JOHN DOE**

Defendants

**CIVIL ACTION NO.
1:16-cv-12345-DPW**

**DECLARATION OF BRIAN R. BIRKE IN SUPPORT OF
DEFENDANT TEXAS INSTRUMENTS INCORPORATED'S
MOTION TO DISMISS AND FOR SUMMARY JUDGMENT**

I, Brian R. Birke, hereby certify and declare as follows:

1. I am an attorney at Adler Pollock & Sheehan P.C. and am co-counsel for Texas Instruments Incorporated ("TI") in the above-captioned matter.
2. I make this declaration in support of TI's Motion to Dismiss and for Summary Judgment and based on personal knowledge and from my review of contemporaneous documents referenced and attached hereto.
3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff's Second Amended Complaint.
4. Attached hereto as Exhibit 2 is a true and correct copy of TI's Response to Plaintiffs' Limited Discovery Request.
5. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's Response to Defendant's Request for Discovery.
6. Attached hereto as Exhibit 4 is a true and correct copy of the Joint Statement Pursuant to Local Rule 16.1 and the September 20, 2016 Bench Order of the Court (ECF No. 28).

7. Attached hereto as Exhibit 5 is a true and correct copy of the Office of Environment, Health, Safety and Security, Facility Search, identifying Metals and Controls Corp., as located at the website of the Office of Environment, Health, Safety and Security website, <https://ehss.energy.gov/Search/Facility/ViewByName.aspx>.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FORGOING IS TRUE IS CORRECT.

Dated: March 17, 2017

/s/ Brian R. Birke
Brian R. Birke

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via First-Class U.S. Mail to those indicated as non-registered participants, on March 17, 2017.

Dated: March 17, 2017 /s/ Brian R. Birke
Brian R. Birke